

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #4	CCRB Case #: 201405376	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Monday, 05/19/2014 3:53 PM	Location of Incident: 57 Empire Boulevard, and later at the 71st Precinct stationhouse	Precinct: 71	18 Mo. SOL 11/19/2015	EO SOL 11/19/2015	
Date/Time CV Reported Tue, 06/03/2014 9:44 AM	CV Reported At: CCRB	How CV Reported: Mail	Date/Time Received at CCRB Tue, 06/03/2014 9:44 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Daniel Chin	16062	948524	071 PCT
2. POM Lomax Augustin	31468	903374	071 PCT
3. An officer			071 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POF Astrida Reid	25955	946150	071 PCT
2. SGT Kenya Moya	01687	918038	071 PCT
3. SGT Eduard Sandoval	1675	947457	071 PCT
4. POF Merline Montas	12548	928641	071 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Daniel Chin	Force: On May 19, 2014, at 57 Empire Boulevard, in Brooklyn, PO Daniel Chin used physical force against § 87(2)(b)	
B.POM Lomax Augustin	Abuse: On May 19, 2014, at 57 Empire Boulevard, in Brooklyn, PO Lomax Augustin threatened § 87(2)(b) with the use of force.	
C. An officer	Discourtesy: On May 19, 2014, at the 71st Precinct stationhouse, an officer spoke rudely to § 87(2)(b)	
D.POM Lomax Augustin	Discourtesy: On an unknown date, at 57 Empire Boulevard, in Brooklyn, PO Lomax Augustin spoke rudely to § 87(2)(b)	

Case Summary

At approximately 3:53 p.m. on May 19, 2014, § 87(2)(b) and § 87(2)(b) were involved in a melee involving several other teenage girls in front of a McDonald's located at 57 Empire Boulevard, in Brooklyn. § 87(2)(b) and § 87(2)(b)'s mother, § 87(2)(b) witnessed the fight. A number of uniformed officers, including PO Daniel Chin and PO Lomax Augustin of the 71st Precinct, responded to the location to break up the fight. § 87(2)(b) and § 87(2)(b) were both arrested as adults, while the remaining combatants were arrested as juveniles. § 87(2)(b) alleged that after she was arrested, PO Chin jerked her by her handcuffs, causing her to fall forward and strike her face on the ground (**Allegation A**). § 87(2)(b) and § 87(2)(b) were then loaded into separate vehicles for transport. § 87(2)(b) alleged that while she was being loaded into a van, PO Augustin told her, "Shut up, I will mace you right now" (**Allegation B**). Both individuals were transported to the 71st Precinct stationhouse. There, a female officer, whom the investigation was unable to identify, fingerprinted them. § 87(2)(b) and § 87(2)(b) alleged that this officer used profanity repeatedly while speaking to them (**Allegation C**). On an unknown date within a few days of the arrest, § 87(2)(b) encountered PO Augustin again by 57 Empire Boulevard. At that time, PO Augustin called § 87(2)(b) a "bitch" (**Allegation D**).

Mediation, Civil and Criminal Histories

- This complaint is ineligible for mediation due to § 87(2)(b)'s and § 87(2)(b)'s arrests.
- As of September 26, 2014, neither § 87(2)(b) nor § 87(2)(b) has filed notices of claim with the City of New York in regards to this incident (Encl. 24S).
- § 87(2)(b)
- § 87(2)(b)'s case is still open in Brooklyn Criminal Court. Her next court date is on § 87(2)(b). She does not have any other criminal convictions (Encl. 21J-Q).

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed involving § 87(2)(b) or § 87(2)(b) (Encl. 2A-B).
- § 87(2)(b) has filed two previous complaints with the CCRB. § 87(2)(b)
- PO Chin has been a member of the service for four years and there are no substantiated CCRB allegations against him (Encl. 1A).
- PO Augustin has been a member of the service for twenty-one years and there are no substantiated CCRB allegations against him (Encl. 1B).

Potential Issues

§ 87(2)(b) and § 87(2)(b) provided the names of several other witnesses, including § 87(2)(b)'s daughter § 87(2)(b)'s friend § 87(2)(b) and two other females involved in the fight, § 87(2)(b) and § 87(2)(b). Contact attempts were exhausted to each of these witnesses, but they were unavailable or uncooperative. Sworn statements therefore could not be obtained (Encl. 22A-Q).

Findings and Recommendations

Allegation A: Force – On May 19, 2014, at 57 Empire Boulevard, in Brooklyn, PO Daniel Chin used physical force against § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) were interviewed at the CCRB on September 2, 2014 (Encl. 7B-E; Encl. 8A-C). § 87(2)(b) provided a telephone statement on June 4, 2014 (Encl. 6A). All three alleged that PO Chin forcibly slammed § 87(2)(b) to the ground after she had been placed in handcuffs, causing her to strike her face. He then allegedly pushed her face forcibly to the ground.

The investigation identified two independent witnesses, § 87(2)(b) and § 87(2)(b). They provided telephone statements on September 25, 2014 and September 26, 2014, respectively (Encl. 9A; Encl. 10A). § 87(2)(b) and § 87(2)(b) witnessed the entirety of the incident. Both called 911 to report the initial fight. § 87(2)(b) and § 87(2)(b) both denied seeing any officers use any force against any of the females, including throwing them to the ground, at any point during the incident.

PO Chin was interviewed on October 28, 2014 (Encl. 12N-P). He stated that § 87(2)(b) continued attempting to attack the other females that she had been fighting with after she was handcuffed. She also spat in PO Chin's face. To prevent her from re-engaging with them, PO Chin made § 87(2)(b) lie down on her stomach. He denied throwing or slamming § 87(2)(b) to the ground, or pushing her face against the ground. None of the other officers interviewed recalled seeing § 87(2)(b) on the ground at any point.

§ 87(2)(b) has no visible injuries in her arrest photograph (Encl. 7G). According to her medical records, she did not display or complain of any injuries to her face (Encl. 19A).

§ 87(2)(g)
§ 87(2)(g)
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§ 87(2)(g)

Allegation B: Abuse of Authority – On May 19, 2014, at 57 Empire Boulevard, in Brooklyn, PO Lomax Augustin threatened § 87(2)(b) with the use of force.

§ 87(2)(b) alleged that as PO Augustin loaded her into the prisoner van, he told her, "Shut up or I will mace you." Neither § 87(2)(b) nor § 87(2)(b) was standing near the van at the time. None of the other prisoners who were loaded into the van with § 87(2)(b) cooperated to provide a statement. PO Augustin was interviewed on October 29, 2014 (Encl. 13D-F). He denied making this or any other threat during the incident. None of the other officers interviewed recalled hearing any threats made towards § 87(2)(b) at any time. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)

Allegation C: Discourtesy – On May 19, 2014, at the 71st Precinct stationhouse, an officer spoke discourteously to § 87(2)(b)

§ 87(2)(b) and § 87(2)(b) both alleged that a uniformed black female officer at the stationhouse used profanity while taking their fingerprints. They were not able to describe this officer in any detail, and did not provide her name or shield number. The investigation was able to identify three black female officers who had been present at 57 Empire Boulevard before traveling to the stationhouse: Sgt. Kendra Moye, PO Astrida Reid and PO Merline Montas. These officers were interviewed, respectively, on November 12, 2014 (Encl. 17D-E), November 20, 2014 (Encl. 14D-E), and December 31, 2014 (Encl. 15D-F). All three denied taking fingerprints from either § 87(2)(b) or § 87(2)(b) and all three denied either using profanity or hearing any other officer use profanity at the stationhouse. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation D: Discourtesy – On an unknown date, at 57 Empire Boulevard, in Brooklyn, PO Lomax Augustin spoke discourteously to § 87(2)(b)

It is undisputed that § 87(2)(b) and PO Augustin spoke to each other several days after the incident outside of 57 Empire Boulevard. § 87(2)(b) alleged that during this conversation, PO Augustin called her a “bitch.” PO Augustin denied using any kind of profanity towards § 87(2)(b) during this interaction. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date